

in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

**DATES:** Comments must be received on or before December 5, 1996.

**ADDRESSES:** All comments should be addressed to: Ronald J. Borsellino, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 290 Broadway, 25th floor, New York, New York 10007-1866.

Copies of the States' requests and relevant documents are available at the following locations for inspection during normal business hours:

Environmental Protection Agency,  
Region II Office, Air Programs Branch,  
290 Broadway, 25th floor, New York,  
New York 10007-1866

Environmental Protection Agency,  
Region I Office, Air Quality Planning  
Unit, One Congress Street, 11th floor,  
Boston, Massachusetts 02203.

**FOR FURTHER INFORMATION CONTACT:**

Henry Feingersh, Air Programs Branch,  
Environmental Protection Agency,  
Region II, 290 Broadway, 25th Floor,  
New York, New York 10278, (212) 637-  
4249, or

Wing Chau, Air Quality Planning  
Unit, Environmental Protection Agency,  
Region I, One Congress Street, 11th  
floor, Boston, Massachusetts 02203,  
(617) 565-3570.

**SUPPLEMENTARY INFORMATION:** For additional information see the direct final rule which is published in the rules section of this Federal Register.

Dated: October 15, 1996.

William J. Muszynski,  
*Deputy Regional Administrator.*

[FR Doc. 96-28196 Filed 11-4-96; 8:45 am]

BILLING CODE 6560-50-F

## 40 CFR Part 300

[FRL-5644-6]

### National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of intent to delete the Cal West Metals Superfund site from the National Priorities List and request for comments.

**SUMMARY:** The Environmental Protection Agency (EPA), Region 6, announces its intent to delete the Cal West Metals

Superfund site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended. EPA and the State of New Mexico through the New Mexico Environment Department (NMED) have determined that all appropriate actions under CERCLA have been implemented and that no further cleanup is appropriate. Moreover, EPA and the State have determined that response activities conducted at the site to date have been protective of public health and the environment.

**DATES:** The EPA will accept comments concerning its proposal for deletion for thirty (30) days after publication of this notice in the Federal Register and a newspaper of record.

**ADDRESSES:** Comments may be mailed to: Ms. Olivia Rodriguez Balandran, Community Relations Coordinator, U.S. EPA, Region 6 (6SF-P), 1445 Ross Avenue, Dallas, Texas 75202-2733, Telephone: (214) 665-6584 or 1-800-533-3508.

**INFORMATION REPOSITORIES:**

Comprehensive information on the Cal West Metals Site as well as information specific to this deletion is available for review at EPA's Region 6 office in Dallas, Texas. The Administrative Records and the Deletion Docket for this deletion are maintained at the following Cal West Metals Site document/information repositories:

U.S. EPA, Region 6, Library, 12th Floor (6MD-II), 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-6424 or 665-6427. Hours of Operation: M-F 8:00 a.m. to 4:30 p.m.

Socorro Public Library, 401 Park St., S.W., Socorro, New Mexico (505) 835-1114. Hours of Operation: Mon., Wed., Fri. 9 a.m.-5:30 p.m., T. and Th. 9 a.m.-9:00 p.m., Saturday 10 a.m.-3 p.m.

New Mexico Environment Department, Harold Runnels Building, 1190 St. Francis, P.O. Box 26110, Santa Fe, New Mexico 87502, Phone: (505) 827-2922. Hours of Operation: M-F 8:00 a.m.-5:00 p.m.

**FOR FURTHER INFORMATION CONTACT:**

Ms. Agatha B. Benjamin, P.E., Remedial Project Manager (6SF-LN), U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, Phone: (214) 665-7292 or 1-800-533-3508

Ms. Maura Hanning, Superfund Program Manager, Groundwater Quality

Bureau, Superfund Oversight Section, New Mexico Environment Department, P.O. Box 26110, Santa Fe, New Mexico 87502, Phone: (505) 827-2922

**SUPPLEMENTARY INFORMATION:**

Table of Contents

I. Introduction

II. National Priorities List (NPL) Deletion Criteria

III. Deletion Procedures

IV. History and Basis for Intended Site Deletion

Appendix

A. Deletion Docket

B. Site Coordinate Boundaries

## I. Introduction

The U.S. Environmental Protection Agency (EPA), Region 6, announces its intent to delete the Cal West Metals Superfund site, Lemitar, Socorro County, New Mexico, from the National Priorities List (NPL), which constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), Code of Federal Regulations, Title 40 (40 CFR), Part 300, and requests comments on the proposed deletion. The EPA identifies sites that appear to present a significant risk to public health, or the environment, and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund Response Trust Fund (Fund). Pursuant to Section 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if conditions at the site warrant such action. The EPA will accept comments concerning this proposal for thirty (30) days after publication of this notice in the Federal Register and a newspaper of record. Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the history of this site and explains how the site meets the deletion criteria.

## II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete sites from the NPL. In accordance with 40 CFR § 300.425(e)(1), sites may be deleted from or recategorized on the NPL where no further response is appropriate. In making a determination to delete a site from the NPL, EPA shall consider, in consultation with the State, whether any of the following criteria have been met:

Section 300.425(e)(1)(i). Responsible parties or other persons have implemented all appropriate response actions required; or

Section 300.425(e)(1)(ii). All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

Section 300.425(e)(1)(iii). The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Prior to deciding to delete a site from the NPL, EPA must determine that the remedy, or existing site conditions at sites where no action is required, is protective of public health and the environment.

Deletion of a site from the NPL does not preclude eligibility for subsequent Fund-financed actions if future site conditions warrant such actions. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites that have been deleted from the NPL.

### III. Deletion Procedures

Upon determination that at least one of the criteria described in § 300.425(e)(1) has been met, EPA may formally begin deletion procedures. The following procedures were used for the intended deletion of this site:

(1) The EPA, Region 6, has recommended deletion and has prepared the relevant documents.

(2) The State of New Mexico through NMED concurred with the deletion by letter dated September 13, 1996.

(3) Concurrent with this National Notice of Intent to Delete, a local notice has been published in the local newspaper of record and has been distributed to appropriate federal, state, and local officials, and other interested parties. This local notice announces a thirty (30) day public comment period on the deletion package, which commences on the date of publication of this notice in the Federal Register and a newspaper of record.

(4) The EPA, Region 6, has made all relevant documents available at the information repositories listed previously.

This Federal Register notice, and a concurrent notice in the local newspaper in the vicinity of the site, announce the initiation of a 30-day public comment period and the availability for review of the Notice of Intent to Delete. The public is asked to comment on EPA's intention to delete the site from the NPL. All critical documents needed to evaluate EPA's

decision are included in the information repository and deletion docket.

Upon completion of the 30-day public comment period, EPA Region 6 will evaluate these comments before the final decision to delete. The Region will prepare a Responsiveness Summary, to address concerns raised by the comments received during the public comment period. The Responsiveness Summary will be made available to the public at the information repositories. Members of the public are encouraged to contact the EPA, Region 6, Office to obtain a copy of the Responsiveness Summary. If EPA still determines that deletion from the NPL is appropriate after receiving public comments, EPA will publish a Final Notice of Deletion in the Federal Register. However, it is not until a Notice of Deletion is published in the Federal Register that the site would be actually deleted.

### IV. Basis for Intended Site Deletion

The following provides EPA's rationale for the deletion of Cal West Metals Superfund Site from the NPL and EPA's finding that the criteria in 40 CFR § 300.425(e)(1) are satisfied:

#### A. Site History

The Cal West Metals site is located one-half mile northwest of Lemitar and approximately 8 miles north of Socorro in Socorro County, New Mexico as shown in Figure 1. The site is bounded on the east by a frontage road for US Interstate 25. The Interstate is located approximately 250 feet east of the site. Land use is predominantly agricultural and residential. There are three households located within 1,100 feet south of the site.

The Cal West Metals site is a former battery breaking and recycling facility. The Cal West property includes approximately 43.8 acres, of which 12.5 acres are fenced. Site operations were located within the fenced area. The site consisted of two evaporation ponds, three facility buildings, earth berms, soil and battery waste piles, a concrete surface pad, and a salvage area.

Albert and James LaPoint operated the Cal West Metal battery recycling facility and secondary lead smelter. From 1979 to 1981, the facility processed an estimated 20,000 automobile batteries to recover lead, plastics, and hard rubber components for commercial sale. Lead-acid batteries were crushed on-site and the batteries were separated into plastics, hard rubber, and lead oxides. Flootation and centrifugation in a rotating separator drum separated the plastics, hard rubber, and lead fraction. Water was recycled through the separator drum and ultimately

discharged to the lined pond along with waste sludge. After the discharge line became plugged, sludge was disposed of on the concrete surface pad adjacent to the cotton gin building.

Piles of crushed battery components, in various stages of separation, were stored outdoors from the start of operations to approximately 1989. The broken battery piles were stored inside the central building and stockpiled on the concrete pad adjacent (west) to this building.

Cal West has been the subject of numerous State and Federal investigations and regulatory actions since 1979. Preliminary investigations were conducted by NMED, EPA, and the LaPoints from 1981 through 1989.

#### B. Response Actions

From 1979 to 1986, the state conducted investigations to assess air and ground water quality on-site. NMED conducted a CERCLA Site Inspection (SI) of the Cal West site during August 1985 to characterize on-site wastes.

Surface soils and drainage adjacent to the Cal West site were sampled during a CERCLA Site Inspection Follow-up (SIF) performed by NMED during October 1986. Analytical results from the SIF indicate that lead contamination from the Cal West site has migrated via air and surface water run-off to adjacent soils and drainage.

In January 1986, EPA conducted a Resource Conservation and Recovery Act (RCRA) Compliance Monitoring Inspection to further characterize wastes sampled during the 1985 investigation. Extraction Procedure (EP) toxicity analyses were performed on waste samples.

In August 1986, EPA RCRA issued an Administrative Complaint to Cal West and a Notice of Noncompliance to the Small Business Administration based on the 1985 and 1986 inspection findings. The Complaint proposed a penalty, cited RCRA violations, and required clean closure of the site.

In July 1987, EPA and Cal West signed a Consent Agreement and Final Order requiring submittal of a closure plan, soil sampling plan, a hydrogeologic investigation plan, and financial assurance documentation. From 1988 to 1990, The LaPoints conducted ground water monitoring, removed topsoil from the fenced area and installed monitoring wells.

NMED prepared a Superfund Hazard Ranking System package in January 1987. The site was proposed to the CERCLA National Priorities List (NPL) on June 24, 1988. The site was formally added to the Superfund National Priorities List on March 31, 1989.

From October 1990 through October 1991, EPA and the NMED conducted a two-phase remedial investigation to fully determine the nature and extent of contamination and to evaluate the risks posed by site contamination.

The Phase I investigation consisted of sampling and analysis of on-site battery waste piles, soils and three site wells. Samples collected were analyzed for the Target Compound List (TCL) of organic and the Target Analyte List (TAL) of inorganic materials.

Phase II was conducted from September 16, 1991, through October 30, 1991. The Phase II investigations consisted of surface soil sampling, trenching, air sampling, installation of monitor wells, residential and monitor well sampling, a field portable X-ray fluorescence (FPXRF) survey, and depth soil sampling.

Results of the remedial investigation, which included extensive sampling of the source waste materials, site soils, drainage sediments, and ground water indicated the following:

i. Contaminants for the source waste materials had spread and contaminated the site soils and drainage sediments.

ii. Lead migration above the recommended residential cleanup level of 640 ppm did not extend deeper than three (3) feet below ground surface.

iii. Most of the soil contamination at the Cal West Metals site was found at the ground surface level (depth of 6 inches or less).

iv. The contaminated area covered approximately 8.5 acres of the total 43.8-acre site. Of the total contaminated area, approximately 7.0 acres were located within the 12.5-acre fenced area.

v. No release to the ground water of contaminants associated with the Cal West site had occurred.

Also, based on the results of the remedial investigation field sampling, lead, antimony, arsenic, cadmium, mercury, nickel, silver, and polynuclear aromatic hydrocarbons were selected as the major contaminants of concern (COC) for the human risk assessment.

An Ecological field investigation was conducted during the week of August 12, 1991, by personnel from EPA and NMED. The investigation included sampling of vegetation, lizards and rodents. No adverse ecological impacts attributable to the Cal West site were indicated.

### *C. Cleanup Standards and Criteria and Results*

The EPA conducted the feasibility study (FS) for the site in-house. The EPA contracted with the U.S. Army Corps of Engineers' Southwestern Division Laboratory (SWD), through an

interagency agreement, to perform treatability studies to evaluate the effectiveness of solidification/stabilization as a treatment for site materials. Information gained during the remedial investigation and treatability studies was used to develop the feasibility study. The feasibility study identified several alternatives to address contamination problems at the site.

As part of the feasibility study, EPA set cleanup goals called remedial action objectives (RAOs) for concentrations of contaminants. These goals were used to determine which areas of the site would require cleanup. For lead, the remedial cleanup goal was set at 640 ppm. This goal was set assuming the site could be used in the future for residential purposes and that adults and children would be exposed to site contaminants if no action was taken. More details of the FS may be found in the Remedial Investigation and Feasibility Study for the Cal West Metals Superfund Site, Lemitar, New Mexico.

Buck J. Wynne, Regional Administrator, EPA, Region 6, signed the Record of Decision on September 29, 1992. EPA and NMED determined that alternative number 3, on-site stabilization, on-site disposal and capping was the most appropriate and protective remedy for the Cal West Metals Site. This determination was based upon consideration of the requirements of CERCLA, the detailed analysis of the alternatives using the nine criteria and public comments from the local community. The description of the selected remedy is:

- Excavation and treatment by stabilization/solidification to meet the health-based cleanup level of 640 mg/kg of approximately 15,000 cubic yards of contaminated soils, sediments, and source waste materials;
- Disposal of the treated contaminated material in an on-site excavation, and capping of the disposal area with cement and a 12 inch soil cover, and;
- Monitoring of site ground water with existing wells down-gradient of the disposal site area.

Construction of the remedy began on May 10, 1994. On May 14, 1994, Eagle Environmental Service, Inc, the subcontractor of the U. S. Bureau of Reclamation (BOR), started collecting composite samples. Five random samples were taken from each 50 foot square grid. Excavation and sampling were conducted in six inch lifts. If material was found to be contaminated after six inches of material, then another six inches was excavated and sampled again. Contaminated soil was hauled to a staging area and stockpiled to be

treated. Contaminated material, mixed with cement and water was transported to the Repository Cell and spread in the cell. A total of 49,723 tons of material was treated: 1,028 tons of battery parts, 212 tons of sediment, and 48,483 tons of contaminated soils. The stabilized material was solidified in the Repository Cell. The Cell was covered with 9,340 linear yards of concrete, three (3) inches deep. The concrete cap (averaged a compressive strength of 4,317 psi. in 28 days) was started in February 1995 and the remediation was completed by April 1995.

The final site completion inspection was conducted on June 12, 1996. More details about construction activities can be found in BOR'S April 1995 Final Construction Report, approved by the EPA in June 1996.

### *D. O&M Procedures and Site Monitoring Program*

Operation and Maintenance (O&M) activities are performed to protect the integrity of the remedy at the site. Pursuant to 40 CFR § 300.510, the State (NMED) has assumed all responsibility for Operation and Maintenance (O&M) at this site. In accordance with the Superfund State Contract (SSC), beginning one year after the completion of the remedy, NMED will sample four (4) ground water wells annually for the first five years. The wells will then be sampled once every five years for twenty five years. In May 1996, NMED initiated the monitoring program.

Based on the successful encapsulation of hazardous substances in the consolidation cell and the results of O&M monitoring to date, EPA has determined that the remedy is protective, that all appropriate Fund-financed response under CERCLA has been implemented and no further response action is appropriate. State-funded O&M and EPA-funded Five-year Reviews will continue in the future. O&M of the remedy is not considered "further action" and does not bar deletion.

### *E. Five-Year Review*

Because this remedy will not result in the destruction of the lead contamination from the site, hazardous substances will remain on-site above health-based levels. Therefore, a review of the effectiveness of the remedy will be conducted no later than June 1999.

### *F. Community Involvement Activities*

Public participation activities for this site were met as required in CERCLA Sections 113(k)(2)(B)(i-v) and 117. EPA conducted numerous public open houses and formal meetings for the Cal

West Metals site, in addition to informal status reports to interested citizens and local officials. Responses to oral and written comments were included in the Responsiveness Summary section of the Record of Decision.

#### G. Protectiveness

All the completion requirements for this site have been met as specified in OSWER Directive 9320.2-3C. Specifically the contaminated soil and sediments have been rendered immobile by solidification/stabilization and the possibility of contact to future residents at the site has been eliminated. The solidified material passed TCLP tests for (leachate) at levels below RCRA regulatory level. The ground water which was not contaminated at the time of the RI is being further protected by the solidification/stabilization and capping of the waste.

The selected remedy is protective of human health and the environment. It complies with the Federal and State of New Mexico requirements that are legally applicable or relevant and appropriate to the remedial action. It is cost-effective. The remedy utilized permanent solutions and alternative treatment technologies to the maximum extent practicable and satisfies the

statutory preference for remedies that employ treatment that reduces toxicity, mobility, or volume as a principal element.

#### H. State Concurrence

In June 1996, a *Final Close Out Report* was prepared in which EPA, in consultation with the State of New Mexico (NMED), determined that all appropriate response actions required to ensure the protectiveness of human health and the environment at the Cal West Metals Superfund site had been implemented.

EPA, with the concurrence of the State of New Mexico, has determined that all appropriate CERCLA response actions at the Cal West Metals Superfund Site have been completed, and that no further response action is appropriate.

Dated: October 10, 1996.

Approved By:

Jerry Clifford,

*Acting Regional Administrator.*

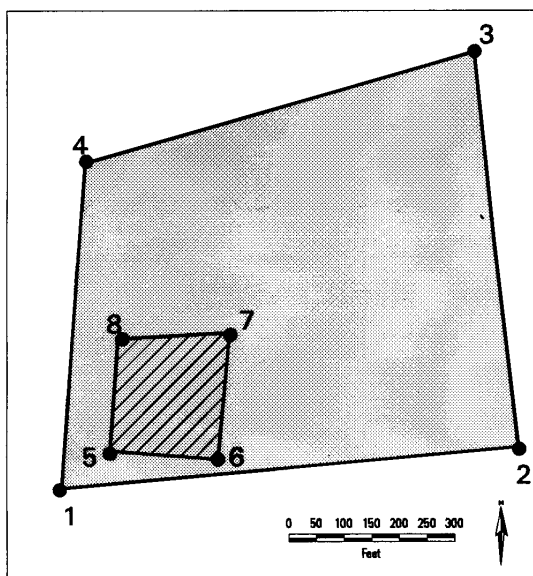
National Priorities List Deletion Docket,  
Cal West Metals Superfund Site,  
Lemitar, Socorro County, New Mexico

- Remedial Investigation/Feasibility Study (RI/FS) Report; U.S. EPA, Region 6, Dallas, Texas

- Record of Decision; U.S. EPA, Region 6, Dallas, Texas, September 92
- Cal West Metals Site Remediation (Contract documents and Specification U. S. Dept. of the Interior, Bureau of Reclamation, October 29, 1993
- Final Construction Report—Volume 1–4; U.S. Department of the Interior, Bureau of Reclamation, April 1995
- Quality Assurance Project Plan; Eagle Construction and Environmental Services, Inc., March 1994
- Site Work Plan; Eagle Construction and Environmental Services, Inc.
- Public Health Assessment; U.S. Dept. of Health & Human Services, July, 1995
- Community Relations Plans; (See the Record of Decision)
- Superfund State Contract
- Preliminary Close Out Report; U.S. EPA, Region 6, Dallas, Texas, September 28, 1995
- Final Close Out Report; U.S. EPA, Region 6, Dallas, Texas, June 1996
- Documentation of State Concurrence on Deletion; New Mexico Environment Department, September 13, 1996

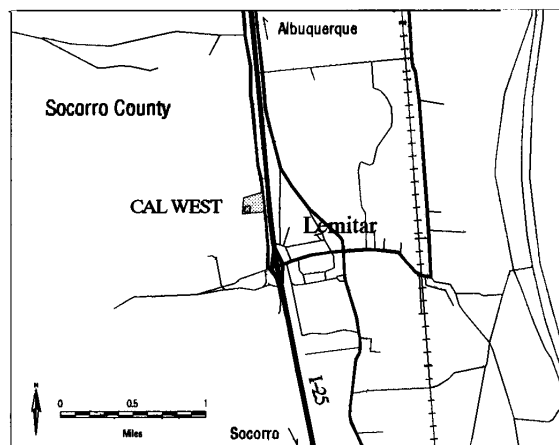
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## Cal West Metals Superfund Site Lemitar, New Mexico



Site Coordinates		
Map #	Latitude	Longitude
1.	N 34° 09' 44.68"	W 106°55' 19.08"
2.	N 34° 09' 45.99"	W 106°55' 09.31"
3.	N 34° 09' 52.94"	W 106°55' 10.87"
4.	N 34° 09' 50.47"	W 106°55' 19.08"
5.	N 34° 09' 45.41"	W 106°55' 18.09"
6.	N 34° 09' 45.39"	W 106°55' 15.76"
7.	N 34° 09' 47.66"	W 106°55' 15.70"
8.	N 34° 09' 47.40"	W 106°55' 18.09"

- Coordinate Location
- Site Boundary
- ▨ Repository Cell



EPA Region 6, Dallas, TX  
Map Created 10/7/96



Map Compiled by CDSI for EPA Region 6  
EPA Region 6 Albers Feet Projection

NPL Site Boundary digitized from Eagle Construction  
CAL West Clean-up Site Elevation Map, 4/25/95  
1992 Census Bureau TIGER/Line Files used for base mapping purposes.